

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES TRUELL,

Plaintiff,

-against-

JOHN/JANE DOE,

Defendant.

20-CV-0839 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently incarcerated in Rikers Island, filed this complaint *pro se*. By order dated February 3, 2020, the Court directed Plaintiff to either pay the fees to bring this civil action, or to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, by submitting a prisoner authorization. The Court warned Plaintiff that if he failed to comply, the matter would be dismissed. On June 15, 2020, the Court received from Plaintiff an amended complaint. To date, Plaintiff has not filed a prisoner authorization.

The Court will give Plaintiff one more opportunity to comply with the February 3, 2020 order. Within thirty days of the date of this order, Plaintiff must either pay the \$400.00 in fees or complete and submit the attached prisoner authorization. If Plaintiff submits the prisoner authorization, it should be labeled with docket number 20-CV-0839 (CM).¹

In addition, when Plaintiff filed this complaint, he was detained at the George R. Vierno Center (GRVC). After mail was returned as undeliverable, the Court learned that he is now housed at the Otis B. Bantum Center (OBCC). The Court's docket still shows Plaintiff's address

¹ Plaintiff is cautioned that if a prisoner files an action that is dismissed as frivolous or for failing to state a claim, the dismissal is a "strike" under 28 U.S.C. § 1915(g). A prisoner who receives three "strikes" cannot file actions *in forma pauperis* as a prisoner, unless he is under imminent danger of serious physical injury, and must pay the filing fee at the time of filing any new action.

to be GRVC. Accordingly, Plaintiff must fill out and return the attached change of address form. Plaintiff's address will not be changed on the Court's docket unless he submits the change of address form.²

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff at the following address: James Truell, 8951901178, Otis B. Bantum Center, 1600-00 Hazen Street, East Elmhurst, New York, 11370, and note service on the docket.

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: June 16, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge

² Plaintiff has other cases pending in this District, and each docket is showing a different address. Plaintiff is reminded of his obligation to notify the Court in writing if his address changes, and that the Court may dismiss matters before it if Plaintiff fails to do so.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(List the full name(s) of the plaintiff(s)/petitioner(s).)

CV _____ (____)(____)

-against-

NOTICE OF CHANGE OF
ADDRESS

(List the full name(s) of the defendant(s)/respondent(s).)

I hereby notify the Court that my address has changed to the following:

Date

Signature

Name (Last, First, MI)

Prison Identification # (if incarcerated)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(full name of the plaintiff/petitioner)

-against-

CV _____ () ()

(Provide docket number, if available; if filing this with your
complaint, you will not yet have a docket number.)

(full name(s) of the defendant(s)/respondent(s))

PRISONER AUTHORIZATION

By signing below, I acknowledge that:

- (1) because I filed this action as a prisoner,¹ I am required by statute (28 U.S.C. § 1915) to pay the full filing fees for this case, even if I am granted the right to proceed *in forma pauperis* (IFP), that is, without prepayment of fees;
- (2) the full \$350 filing fee will be deducted in installments from my prison account, even if my case is dismissed or I voluntarily withdraw it.

I authorize the agency holding me in custody to:

- (1) send a certified copy of my prison trust fund account statement for the past six months (from my current institution or any institution in which I was incarcerated during the past six months);
- (2) calculate the amounts specified by 28 U.S.C. § 1915(b), deduct those amounts from my prison trust fund, and disburse those amounts to the Court.

This authorization applies to any agency into whose custody I may be transferred and to any other district court to which my case may be transferred.

Date

Signature

Name (Last, First, MI)

Prison Identification #

Address

City

State

Zip Code

¹ A "prisoner" is "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms or conditions of parole, probation, pretrial release, or diversionary program." 28 U.S.C. § 1915(h).